

TITLE 5833  
LEGISLATIVE RULE  
~~BUREAU OF COMMERCE~~DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF NATURAL RESOURCESWASTE MANAGEMENT

SERIES 641  
AWARDING OF MATCHING GRANTS FOR LOCAL  
LITTER CONTROL PROGRAMS

~~§58-6-133-41-1.~~ General.

1.1. Scope. -- ~~The purpose of this rule is to provide interpretations and guidance concerning the awarding of matching grants for local litter control programs~~ This rule sets out guidelines and procedures for providing matching assistance grants to counties and municipalities for the initiation and administration of litter control programs.

1.2. Authority. -- W. Va. Code ~~20-7-25~~ § 22-15A-3(f).

1.3. Filing Date. -- ~~April 14, 2000.~~

1.4. Effective Date. -- ~~May 1, 2000.~~

1.5. Former Rules. – This legislative rule amends 58CSR6, “Awarding of Matching Grants for Local Litter Control Programs”, to reflect that responsibility for this program transferred from the Division of Natural Resources to the Department of Environmental Protection through W. Va. Code § 22-15-3.

~~§58-6-233-41-2.~~ Definitions.

Unless the context dictates otherwise, the following words and their meanings as used in this rule are defined below.

2.1. “Applicant” means the local government applying for a grant.

2.2. “Application” means ~~Form LC-G-1 for use by single program applicants or Form LC-G-2 for use by cooperative program applicants~~ the written request submitted to the Secretary by the applicant on forms provided by the Secretary.

2.3. “Cooperative Program” means a program involving two or more local governments and coordinated by one of the participating local governments.

2.4. “Coordinator” means the individual who is responsible for coordinating the implementation and administration of a cooperative program.

2.5. ~~“Division” means the West Virginia Division of Natural Resources~~ “Department” means the West Virginia Department of Environmental Protection.

~~2.6. “Director” means the director of the West Virginia Division of Natural Resources.~~

~~2.7.~~2.6. “Grant” means ~~matching grant funds~~ the endowment in matching funds allocated to an approved

program applicant by the ~~Division~~ Department pursuant to W. Va. Code ~~'20-7-25(b)~~ § 22-15A-3(f).

2.7. "Grantee" means the entity to whom a grant has been awarded.

2.8. "Grant Period" means July 1 of one calendar year through June 30 of the subsequent calendar year.

2.9. "In-kind Services" means any personnel, equipment, supplies or other items for a local litter control program supplied or obtained by the applicant with funds or by methods other than the use of any other grant moneys.

2.10. "Litter" means all waste material including, but not limited to, any garbage, refuse, trash, disposable package, container, can, bottle, paper, covered electronic devices, ashes, cigarette or cigar butt, carcass of any dead animal or any part thereof, or any other offensive or unsightly matter, but not including the wastes of primary processes of mining, logging, sawmilling, farming, or manufacturing.

2.11. "Litter Control Fund" means the fund created pursuant to W. Va. Code ~~'20-7-26~~ § 22-15A-4(c).

2.12. "Local Government" means ~~a county commission as defined in W. Va. Code '7-7-1 or a municipal corporation as defined in W. Va. Code '8-1-2(a)(1)~~ any unit of local government within the State, including a county, county board of education, municipality, and any other authority, board, commission, district, office, public authority, public corporation or other instrumentality of a county, county board of education or municipality or any combination of two or more local governments.

2.13. "Local Litter Control Program" means a program sponsored by a local government for the purposes stated in its application.

2.14. "Recycle" means the process by which recovered products are transformed into new products and includes the collection, separation, recovery, processing, and marketing or reuse of that new product.

~~2.14~~2.15. "Resolution" means a resolution adopted by a local government that authorizes the creation of a local litter control program.

2.15. ~~"Grantee" means the local government approved by the Division to receive a grant.~~

2.16. "Secretary" means the Secretary of the Department of Environmental Protection or his or her designee.

### **~~§58-6-333-41-3.~~ Applicability.**

3.1. Grants may be used by eligible local governments, singly or in cooperative groups, in a local litter control program.

3.2. The ~~Division~~ Secretary shall award grants for a period not ~~greater than to exceed~~ one (1) calendar year. Subsequent grants may be obtained by ~~an applicant a grantee~~ through submission of a revised application to the ~~Division~~ Department, so long as all objectives of the current grant have been completed to the satisfaction of the Secretary.

3.3. The ~~Division~~ Secretary shall award grants on a one-to-one matching basis. For each dollar budgeted by an applicant for a local litter control program, the ~~Division~~ Department shall award up to one dollar (\$1.00) in matching grant funds upon approval of the application. The ~~Division~~ Department reserves the right to limit

the amount of a grant in accordance with the amount of money in the Litter Control Fund available for distribution as matching grants.

3.4. Grant awards are limited to a maximum amount of ~~\$3000.00~~ five thousand dollars (\$5,000).

3.5. Applications must be postmarked no later than May 31 for consideration in the next grant period.

**~~§58-6-433-41-4.~~ In-kind Services.**

4.1. The ~~Division~~ Department shall give credit for in-kind services when determining the amount of local government funding to be matched by a grant.

4.2. The ~~Division~~ Department shall value volunteer services at the minimum hourly wage unless the applicant can demonstrate that the services would normally be valued above that wage in the area served by the applicant's program.

4.3. The ~~Division~~ Department shall value donated equipment at its fair market value prorated over the life of the grant.

**~~§58-6-533-41-5.~~ Authorized Uses Of Grant Funds.**

5.1. ~~An applicant~~ A grantee may use a grant for the initiation, continuation or expansion of a local litter control program.

5.2. Authorized uses of grant funds in an approved local litter control program may include the following:

5.2.a. Enforcement of anti-litter statutes;

5.2.b. Expenses incurred in traveling to ~~Division~~ Department-sponsored or approved workshops, conferences or other meetings;

5.2.c. Implementation and administration of the approved litter control program;

5.2.d. Implementation of local litter cleanup campaigns;

5.2.e. Public informational and educational programs, such as those which increase public awareness or solicit public support in promoting citizen responsibility toward reducing litter;

5.2.f. Purchase of equipment which will specifically serve to fulfill litter control program objectives;

5.2.g. Research or development of local solid waste recycling programs;

5.2.h. Surveys and evaluation studies made for the purpose of identifying and prioritizing local littering problems;

5.2.i. Costs associated with razing abandoned buildings or other structures which are unsightly or offensive and promote possible health hazards; and

5.2.j. Other relevant items upon the approval of the ~~Division~~ Secretary.

**~~§58-6-633-41-6.~~ Unauthorized Uses Of Grant Funds.**

6.1. ~~An applicant may not use a grant.~~ Grants shall not be used in any way to replace local funds currently budgeted or being used to maintain and operate a local litter control program during the grant period.

6.2. ~~Applicants shall not use grant funds.~~ Grants shall not be used for expenditures not related to litter prevention, elimination or control.

6.3. ~~Applicants shall not use grant funds.~~ Grants shall not be used for the following:

6.3.a. To fund beautification projects such as landscaping (tree or shrub purchases) or the removal of roadside vegetation;

6.3.b. To purchase lawn, tree or shrub maintenance equipment;

6.3.c. To purchase equipment routinely used to collect or transport solid waste;

6.3.d. To fund landfill operations or management;

6.3.e. To buy office furniture or equipment or to decorate or renovate an office; or

6.3.f. To pay for professional consultation or production in the development of litter control films, slide shows or similar programs.

**~~§58-6-733-41-7.~~ Reporting Requirements.**

7.1. The grantee shall submit a final performance and accounting report for approval on or before July 31 of the ~~following year~~ the grant ends. The report shall include the following:

7.1.a. An evaluation of accomplishments in implementing the original proposal's work tasks;

7.1.b. An accounting of in-kind services provided;

7.1.c. An accounting of grant funds expended;

7.1.d. Evidence supporting in-kind services and grant expenditures; and

7.1.e. An analysis of and evidence supporting the amount of litter collected or material recycled during the period.

**~~§58-6-833-41-8.~~ Grant Withdrawal And Penalty.**

8.1. The ~~Division~~ Department reserves the right to withdraw a grant upon determination of the grantee's unsatisfactory ~~program~~ compliance with either this rule or the specifications in the ~~program~~ application.

8.2. The ~~Division~~ Department may cancel a grant in the event a grantee fails to commence litter control program activities within ninety (90) days after receiving a notice of award from the ~~Division~~ Department.

8.3. ~~An applicant~~ A grantee is responsible for the ~~payment reimbursement~~ to the ~~State of West Virginia of~~ two (2) times Department the total sum of a grant not properly used or accounted for pursuant to this rule. The

total sum constitutes a debt owed by the applicant or its successors or assignees by appropriate legal action. At its option, the ~~Division~~ Department may proceed against any local government participating in a cooperative program for the total sum owed by the applicant or its successors or assignees, or may hold each local government participating in a cooperative program individually liable to the State of West Virginia for its pro rata share of the total liability.

8.4. The ~~Division~~ Department reserves the right to conduct an on-site inspection or audit of ~~an applicant's~~ a grantee's litter control program records during or after the grant period for a period of three years.

8.5. Applicants and grantees shall be in compliance with all federal, State, and local laws, codes, ordinances, rules, and regulations in order to be eligible for a grant. The Department reserves the right to deny applications or withhold funding from grantees failing to comply with this subsection.

**~~§58-6-9. Nondiscrimination Provision.~~**

9.1. ~~During the performance of the program described in the application, the applicant will not discriminate against any employee or individual applying for employment because of race, religion, color, sex, handicap, or national origin.~~

**~~§58-6-10~~33-41-9. Unexpended Funds.**

~~10.1.~~ 1. All unexpended funds remaining at the end of the grant period shall be ~~handled as follows:~~ returned to the Department.

10.1.1. ~~If the applicant applies for a grant for the subsequent grant period, and the Division approves the application, unexpended funds shall be netted against the amount the grantee is eligible to receive;~~

10.1.2. ~~If the grantee does not apply for a grant for the following grant period, unexpended funds shall return to the control of the Division.~~

**~~§58-6-11. Reduction Of The Litter Control Fund.~~**

11.1. ~~Grants allocated under this rule are dependent upon the availability of funds collected pursuant to W. Va. Code '20-7-25. In the event that those funds are diminished by legislative action, the Division shall adjust the amount of each grant issued accordingly.~~